

IN THE CLAIMS

This listing of claims replaces all prior listings:

1. (Currently Amended) A positive electrode active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer, one layer of the structure comprising wherein:

an said inner particle is of a compound oxide of lithium and nickel; ~~the other layer of the structure being~~

a said coating layer is adhered to said outer surface and comprises ~~the the coating layer comprising a~~ homogenous compound oxide of lithium and titanium selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_3\text{O}_7$, and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$; and; ~~the coating layer being formed on at least parts of the surface of the inner particle~~

said coating layer in a manner sufficient to effectively suppress ~~suppresses~~ decomposition of electrolyte in contact therewith and ~~to not affect~~ maintains the conductivity of lithium ions in the positive electrode active material.

2. (Original) The positive electrode active material according to claim 1, wherein the ratio by weight of the first compound oxide to the second compound oxide is between 96:4 and 65:35.

3. (Original) The positive electrode active material according to claim 1, wherein the second compound oxide has a spinel structure in the cubic system.

4. (Original) The positive electrode active material according to claim 1, wherein the positive electrode active material has a mean particle diameter of 5 to 20 μm .

5. (Currently Amended) A non-aqueous electrolyte secondary battery comprising a positive electrode active material and a negative electrode active material, the positive active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer, wherein: ~~one layer of the structure being~~

~~an said inner particle comprising is a compound oxide of lithium and nickel; the other layer of the structure being~~

~~a- said coating layer, and the coating layer formed on at least parts of the surface of the inner particle is adhered to said outer surface and comprises a homogenous compound oxide of lithium and titanium selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_2\text{O}_7$ and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$; and~~

~~said coating layer in a manner to effectively suppress suppresses decomposition of electrolyte in contact with the active material and to not effect maintains conductivity of lithium ions in the active material; the coating layer comprising a homogenous compound oxide of lithium and titanium selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_2\text{O}_7$ and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$.~~

6. (New) A coated particle according to claim 1, wherein said coating layer and outer surface are fused by mechanofusion.

7. (New) The layered particle according to claim 6, wherein said inner particle compound and said coating layer compound are mixed in a 90:10 weight ratio.